

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS – EASTERN DIVISION**

THERESA TRAN, et al., v. John Doe, et al.	Plaintiffs, Defendants.	Case No. 1:22-cv-06478 Honorable Joan B. Gottschall
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PROPOSED CONCESSIONS BY CLAIMANTS

NOW COMES, Claimant Marija Velkova, by and through her attorneys, HORWITZ, HORWITZ, & ASSOCIATES, LTD., Claimant Lana Batochir, by and through her attorneys, CORBOY & DEMETRIO, P.C., and Claimant Jacob Houle, by and through his attorneys ARMSTRONG LAW GROUP, (hereinafter collectively referred to as "Claimants"), and hereby propose to CONCEDE and AGREE to the following:

1. Claimants concede and agree that the United States District Court for the Northern District of Illinois – Eastern Division has exclusive jurisdiction over all limitation of liability issues that arise out of the allision occurring on or about August 13, 2022, between the moving vessel/boat (the "AQUAVIDA") and the anchored vessel/boat (the "NAVIGATOR") and its raft attached thereto.

2. Claimants concede and agree to waive any claim of *res judicata* respecting any limitation of liability issues as might arise in the event of entry of judgment in any state court or other proceeding based upon the facts of the above-mentioned allision.

EXHIBIT A

3. Claimants concede and agree that should a judgment be obtained in any state court or other proceeding on behalf of any one or more of the Claimants, and should this United States District Court for the Northern District of Illinois – Eastern Division determine that Limitation Plaintiffs are indeed an owner and/or owner *pro hac vice* of the AQUAVIDA under the law, and that limitation of liability is appropriate, Claimants will only seek their respective pro-rata proportional share of the limitation fund as measured by their respective proportions of any judgment obtained in the state court or other proceeding.

4. Claimants concede and agree that should a judgment be obtained in any state court or other proceeding on behalf of any one or more of the Claimants, and should this United States District Court for the Northern District of Illinois – Eastern Division determine that Limitation Plaintiffs are indeed an owner and/or owner *pro hac vice* of the AQUAVIDA under the law, and that limitation of liability is appropriate, Claimants will in no event seek any amount beyond the value of the limitation fund as determined by this United States District Court for the Northern District of Illinois – Eastern Division.

5. Claimants concede and agree that this United States District Court for the Northern District of Illinois – Eastern Division has exclusive jurisdiction to determine the value of the limitation fund, and so long as the Claimants have an opportunity to obtain an independent appraisal or related valuation and provide this Court with case law setting forth what is to be included in the limitation fund, will stipulate to the value as determined by this United States District Court for the Northern District of Illinois – Eastern Division.

6. By making such concessions, Claimants do not concede that Limitation Plaintiffs may bring the exoneration issue back to this United States District Court for the Northern

District of Illinois – Eastern Division after trying issues of liability and damages in the state court or other proceeding.

7. Further, Claimants concessions are meant only to adequately preserve Limitation Plaintiffs' rights, as alleged owner(s)/owner(s) *pro hac vice* of the AQUAVIDA: By making such concessions, Claimants do not concede that limitation of liability is appropriate in this matter, nor do Claimants concede any of the limitation of liability issues raised by Limitation Plaintiffs in their Complaint in this matter; in this regard, Claimants Claims, Answers, and Affirmative Defenses in this matter speak for themselves.

Dated: March 8, 2023

Respectfully submitted,

/s/ Clifford W. Horwitz

One of the Attorneys for Claimant Marija Velkova

/s/ Michael D. Ditore

One of the Attorneys for Claimant Lana Batochir

/s/ Gregory C. Armstrong

One of the Attorneys for Claimant Jacob Houle

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